

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA,)	CASE NO. 4:18 CR 120
)	
Plaintiff,)	
)	JUDGE DAN AARON POLSTER
v.)	
)	
MICHELE RANDOLPH,)	<u>ORDER & OPINION</u>
)	
Defendants.)	

Before the Court is Defendant Michele Randolph's Motion for Reconsideration, **Doc #:**
48. For the reasons stated below, Defendant's Motion is **DENIED**.

Randolph now asserts that the Court may permit her to serve the remainder of her sentence on home detention under Sentencing Guideline § 5C1.1 as amended by the First Step Act. Doc #: 48 at 2. However, Randolph is not eligible for the sentence modification she requests.

To the extent Randolph is seeking a sentence modification under 18 U.S.C. § 3582(c)(1)(A), her request is denied because she failed to express extraordinary and compelling reasons that warrant a sentence modification and is not at least 70 years old and has not served at least 30 years in prison.

Randolph's request is also denied to the extent she seeks a sentence modification under 18 U.S.C. § 3582(c)(2). A court may modify a sentence when the sentencing range on which a defendant's sentence was based has been lowered by the Sentencing Commission. 18 U.S.C.

§ 3582(c)(2). The only relevant amendment here is the addition of an application note to § 5C1.1, which directs courts to consider imposing sentences other than imprisonment for nonviolent first offenders with a guideline range in Zone A or B of the Sentencing Table. United States Sentencing Commission, *Guidelines Manual*, § 5C1.1, comment. (n.4) (Nov. 2018).

This amendment does not alter Randolph's sentence. The direction to consider sentences other than imprisonment does not alter a sentencing range. *See United States v. Lopez*, 2019 U.S. Dist. LEXIS 102441 *3 (S.D. Fla. 2019). Thus, Randolph is not eligible for a sentence modification under § 3582(c)(2).

For the above reasons, Defendant's Motion for Reconsideration, **Doc #: 48**, is **DENIED**.

IT IS SO ORDERED.

/s/Dan Aaron Polster October 10, 2019
DAN AARON POLSTER
UNITED STATES DISTRICT COURT